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## WORKERS' COMPENSATION AND INJURY/ILLNESS REPORTING

### I. INTRODUCTION

The City is committed to providing a safe and healthy work place for all employees. The purpose of this regulation is to explain injury and illness reporting and the workers' compensation process for City employees. All employees are expected to abide by the information in this regulation, and to utilize safe work practices while on the job and/or performing their assigned duties.

#### A. WORKERS' COMPENSATION

Workers' Compensation is a no-fault insurance that provides payment for reasonable medical treatment and salary replacement for eligible workers who sustain an injury or illness arising out of and in the course and scope of their employment.

Any full or part time or temporary employee or volunteer may file a workers' compensation claim for any on duty injury or occupational exposure.

The Claims Administrator coordinates claims filed by or on behalf of employees and submits them to the City's contracted Third Party Administrator (TPA) for investigation, compensability determination, and processing. The Claims Administrator's role is to act as a liaison between the employee and TPA as it pertains to workers' compensation related issues.

### II. MANDATORY REPORTING/INVESTIGATION

Employees are expected to immediately report all work-related injuries, illnesses or occupational exposures to their supervisor. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. Failure to report an injury or illness as required by State law and this regulation could result in loss of compensation benefits and may lead to corrective action, up to and including termination.

Supervisors and lead workers are responsible for ensuring that employees are provided first aid or offered medical treatment by a health care provider if needed. Supervisors and lead workers are also responsible for ensuring employees are made aware of the workers' compensation injury reporting procedures, including the name and locations of the City's approved medical provider(s).

A. Mandatory Incident Reporting

The City requires employees, in conjunction with their supervisor, to report all employee injuries occurring in the work place by completing the online Employee Injury and Exposure Reporting form (Exhibit A). This form is mandatory for any/all employee injuries, illnesses, or occupational exposures that arise out of and in the course and scope of employment. This report shall be completed accurately and in its entirety by the supervisor and employee, and shall be submitted within 48 hours of the incident date.

C. Mandatory Claim Reporting

The employee or supervisor shall immediately inform the Claims Administrator if the injury or occupational disease required medical treatment. Notification shall be given within 48 hours of initial medical treatment. Notification should be given by phone or email. The Claims Administrator will complete the First Report of Injury/Illness and submit to the City's Third Party Administrator (TPA) for processing. This is the required claim form used for workers' compensation injuries within the state of Idaho.

D. Mandatory Investigation

It is the City's philosophy that all accidents are preventable. Managers, supervisors, and lead employees are required to promptly investigate, identify, and implement preventative and corrective measures as appropriate, and complete required documentation for all employee injuries/illnesses occurring in the workplace.

E. Failure to Report Incident/Claim

Failure to report an incident and/or injury within the stated timeframe, or failure to report a claim within the stated timeframe, may result in loss of benefits and/or corrective action up to and including termination.

Depending on the circumstances of the injury or illness, an injured employee may be subject to drug and/or alcohol testing in accordance with the City's Drug Free Workplace Regulation.

F. APPROVED MEDICAL PROVIDER

When a City employee is injured and needs medical treatment, they shall seek medical treatment from one of the City's approved medical provider(s). The locations of the current approved medical provider(s) may be found on BoiseHome under Human Resources, Risk and Safety Services. An appointment is not required for the initial examination. Failure to seek initial medical treatment with an approved medical provider could leave the employee responsible for uncovered medical expenses.

If the injury involves chest pains, potential loss of limb, potential loss of life, or any other serious medical condition, the employee is expected to call 9-1-1 and/or seek medical treatment from the nearest emergency room.

After each medical appointment, the employee is responsible to provide their immediate supervisor and the Claims Administrator a written work status report provided by the medical provider. Fax and email copies are allowed for reporting purposes. Failure to do so may result in a delay in returning to work, and/or a delay of benefits.

G. BENEFITS AVAILABLE FOR COMPENSABLE CLAIMS

The contracted TPA will investigate all claims filed by City employees to determine compensability. As part of the investigation, the TPA may contact the employee directly to discuss the facts of the claim. They may also request a signed medical release in order to obtain relevant past medical information needed to ensure the work injury resolves. Refusing to sign the medical release may impact benefits received. Once the TPA determines a claim to be compensable, an employee is entitled to certain benefits as defined under Idaho Code Title 72. Benefits may include medical treatment, partial wage replacement, impairment award, and/or partial disability award. The amount and type of each benefit are based on the merits of each claim filed and are subject to certain statutory deadlines.

H. WAGE LOSS RECOVERY BENEFIT- KEPT ON SALARY (KOS)

The City of Boise has adopted a wage loss recovery benefit known as Kept on Salary (KOS) as it pertains to employees with a compensable work injury or illness. If an injured employee is unable to work due to a compensable injury or illness, the employee will receive their regular net pay rather than the statutory workers' compensation benefit amount after a statutory five (5) calendar day waiting period, unless specifically exempt as defined by Idaho Code 72-1104.

Benefit-eligible employees may qualify for the KOS benefit if temporarily unable to work as a result of a compensable injury or illness. A KOS eligible employee may receive the KOS benefit for a period of time not

to exceed six (6) months. After six (6) months, they would receive the statutory temporary disability benefit as defined under Idaho Code 72.

Employees who are not benefit eligible and not eligible for the KOS benefit may be eligible to receive the statutory temporary disability benefit.

All time off work must be documented by the treating health care provider.

#### I. ELECTRONIC TIMEKEEPING

Employees and their supervisors shall accurately track their workers' compensation time in the City's time keeping system. Time codes are available or contact the department payroll liaison (Exhibit C).

#### J. COORDINATION WITH OTHER LEAVE POLICIES

When an employee is injured and unable to work, they may become eligible to receive KOS after a five (5) calendar day waiting period. Full net wages are paid to KOS eligible employees in lieu of statutory time loss benefits. The following rules govern how workers' compensation wage recovery benefits coordinate with the City's other leave programs:

- a. An employee that sustains a work place injury or illness that requires the employee to leave work to seek medical treatment shall receive full regular pay for the date of injury. Employees are expected to return to work the same day as the injury unless the treating physician provides a written statement that the employee is not able to return to work.
- b. During the five (5) calendar day waiting period, an employee may elect to cover their absence by using accrued sick leave, vacation leave, compensatory time, floating holiday, or unpaid leave if no other leave is available.
- c. If the injury or occupational disease results in disability of more than fourteen (14) days, the employee receives their regular net pay, or temporary disability benefit as defined by the wage recovery process (KOS). The accrued sick leave, vacation leave, compensatory time, and/or floating holiday used during the five (5) day waiting period shall be reinstated to the employee.
- d. If an employee's workers' compensation absence qualifies as a serious health condition, the City will designate the leave as an FMLA-qualifying event and the workers' compensation absence will run concurrently with the FMLA leave.
- e. The City allows up to two hours per day, per appointment for medical appointments related to a compensable claim. Just as with sick leave, workers' compensation hours shall not be considered as hours worked for the purpose of computing overtime or compensatory time.

- f. The City allows for paid time to attend an Independent Medical Examination (IME).
- g. If the employee is not eligible for KOS, the employee will go into an unpaid status with the City and will receive temporary disability benefits directly from the TPA.

K. RETURN TO WORK PROGRAM

It is the City's philosophy to support the practice of bringing injured employees back to work as soon as they are medically able. Returning to work benefits injured employees by accommodating their physical restrictions and allowing them continuity in their work lives. It also increases morale and productivity and lowers the costs associated with workplace injuries. Therefore, when a health care provider places an employee on temporary light or modified duty, the employee is expected to return to work within those restrictions. Failure to do so may result in suspension or termination of workers' compensation benefits.

Departments are expected to provide reasonable full or part time work for an employee within the restrictions provided by the treating health care provider. If a department cannot provide temporary light duty for an employee, the supervisor shall immediately contact the Claims Administrator to discuss alternatives. The Claims Administrator will consider temporary light duty alternatives with the employee's department first, and then consider providing temporary light duty work within the health care providers restrictions in another department. The interim supervisor will track work hours and provide reports to the Claims Administrator and the injured employee's immediate supervisor. Employees are responsible to stay within their work restrictions and notify their supervisor or interim supervisor of any tasks fall outside the treating health care provider's work restrictions. Restrictions apply around the clock, 24/7, at home and at work.

Once the offer of temporary light duty work is made to the employee, the employee is responsible to meet the expectations of the interim supervisor. If the employee refuses the offer of temporary light duty, they may be required to use their personal leave.

Work restrictions and temporary light or modified duty assignments will be reevaluated after each medical appointment. In the event of leave lasting longer than 4 months with no return to work date established, the City may begin engaging the employee in an interactive process to determine if they have a disability as defined by the Americans with Disabilities Act (ADA) and, if so, if there are any reasonable accommodations the City can provide that will enable the employee to return to work and perform all of their essential job duties.

L. CLAIM DISPUTE PROCESS

In the event an employee disagrees with the claim decision, the employee can contact the Claims Administrator to attempt to resolve the dispute. If the dispute remains unresolved, the employee will be directed to contact the TPA Claims Adjuster to attempt to resolve the dispute. If the dispute still cannot be resolved, the employee may contact the Idaho Industrial Commission to begin the formal dispute process.

M. FRAUD

Filing a fraudulent workers' compensation claim or engaging in fraudulent representations with respect to workers' compensation claims or benefits are serious offenses.

Employees that file fraudulent claims may also be criminally prosecuted and subject to imprisonment and/or fines.

Suspected fraudulent claims or activities are reported to the Idaho Department of Insurance for review. In addition, the City may investigate and/or engage in video surveillance of employees where fraud is suspected.

N. RETALIATION

The City of Boise does not discriminate or retaliate against employees who have filed legitimate workers' compensation claims. Managers and supervisors shall not take or threaten any action to compel or persuade employees not to file a workers' compensation claim.